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COMMITTEE AGAINST TORTURE

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SUMMARY RECORD OF THE 109th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 April 1992, at 10 a.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Initial report of Italy (CAT/C/9/Add.9)

1. At the invitation of the Chairman, Mr. Mezzalama, Mr. Verga, Mr. Citarella, Mr. Pecenko, Mr. Buccalo, Mr. Daga, Mrs. Palumbo and Mrs. Passannanti (Italy) took places at the Committee table.

2. Mr. MEZZALAMA (Italy) welcomed the invaluable contribution the Committee was making to action to combat the odious practice of torture and paid a tribute to the Chairman of the Committee for the distinguished role he had played as Special Rapporteur of the Commission on Human Rights on a country where fundamental rights had been flouted for such a long time.

3. Like other Western European countries, Italy did not make torture a crime specifically governed by the Penal Code or other laws. Even after the ratification of the Convention, it had not been considered advisable to introduce that concept. It should first be noted that the practice of torture and other cruel, inhuman or degrading treatment had always been considered contrary to the political orientation of democratic Italy. The reasons why the Italian lawmakers had not recognized torture as a separate crime were summarized below.

4. Italy had accepted without reservation the principle that the use of torture was contrary not only to the principles on which the Italian legal system had long been based, but also to the principles inherent in the international community, as proved by the fact that Ialy had ratified not only the United Nations Convention against Torture, but also the European Convention against Torture and the International Covenant on Civil and Political Rights, article 7 of which prohibited subjecting anyone to torture.

5. The principle that every individual deprived of freedom must be treated with humanity was enshinred in article 27 of the Italian Constitution. Any conduct which objectively constituted an act prohibited by the Convention was covered by the provisions referred to in paragraph 31 of the report and any abuse committed by the authorities was subject to harsh penalties.

6. As indicated in the report, a number of bills had sought to introduce the concept of the crime of torture into the penal system. Those initiatives had failed because of the desire to prevent treatment prohibited by the Convention from being regarded as punishable only on the grounds of malicious intent on the part of the person responsible. Generally speaking, Italian legislation was already adequate to cover cases that could be assimilated to torture in the broadest sense of the term.

7. In reality, the fact that torture had not been characterized as a crime in the Italian legal system should in no way be regarded as a lacuna, but, rather, as a situation designed to make the punishment of anyone guilty of treatment not in conformity with the Convention more effective and immediate.

8. Sporadic and isolated cases of the use of violence by the law enforcement authorities had been reported in recent years. Those allegations had been investigated by the courts and public opinion had always been duly and promptly informed. In some cases, sentences had been very harsh and administrative measures had been taken against persons who were guilty or suspects.

9. It should also be pointed out that, according to the principles of the rule of law on which the Italian system was based, a person was presumed innocent until the conclusion of the judicial proceedings. Consequently, apart from administrative measures which might be taken against persons suspected of having resorted to ill-treatment, the judgement against them was final only after the court of last instance had handed down its ruling. It was therefore clear from the report (CAT/C/9/Add.9) that torture was not practised in Italy and that mechanisms for the protection of the dignity and physical integrity of the individual came into play immediately upon the commission of illegal acts, which must therefore be condemned as such.

10. Italy had also fulfilled its obligations in the European context and had recently been visited by investigators from the European Committee for the Prevention of Torture, whose report could serve as additional material for the assessments of the Committee against Torture. He recalled that, since 1990, Italy had been making quite a large annual contribution to the United Nations Voluntary Fund for Victims of Torture and had confirmed its contribution for the current year as well as for 1993.

11. Mr. GIL LAVEDRA (Country Rapporteur) welcomed the opportunity for the Committee to establish a constructive dialogue with Italy. The fact that a high-level delegation had come to introduce the initial report of Italy was proof of the importance the Italian Government attached to action to combat torture in all its forms. Italy had also acceded to all the international and regional instruments in that field and had recognized without reservation the competence of the Committee under articles 21 and 22 of the Convention.

12. The procedures for the incorporation of international provisions into Italian law were clearly explained in document CAT/C/9/Add.9, but it would be interesting to know how those provisions ranked in relation to other laws and what happened when they were in conflict with an earlier law. Were there many cases in which individuals invoked the provisions of the Convention in court and did courts refer to those provisions in their judgements?

13. In its revised general guidelines (CAT/C/4/Rev.2), the Committee had requested States parties to describe the general legal background in respect of the prohibition of torture, the judicial authorities, the legislative, judicial and administrative measures which gave effect to the provisions of the Convention and the main legislative instruments referred to in the reports. Those were the essential elements on which the Committee could judge the extent to which the provisions of the Convention were incorporated in internal law, with particular reference to sensitive issues that were of special interest. The risk of torture was especially great at two points: before detention and during the stay in prison. The Committee therefore had to be able to take account of instruments governing the treatment of detainees at those two stages. However, the report of Italy provided little information

on the judicial system, since it did not say whether it was adversarial or inquisitorial, and on the rules relating to interrogation and solitary confinement. It would be particularly interesting to know who was entitled to carry out an arrest: was it the judge, the prosecutor or the police? What was the maximum length of time a person could be held before being brought before a judge? Could the police carry out valid interrogations and according to what standards? Was solitary confinement practised, especially at the beginning of the investigation? To what extent could the accused communicate with a lawyer and with his family?

14. A compulsory medical examination at the time of arrest and at the time when the detainee was brought before the judge was a basic guarantee against any risk of torture. What were the Italian rules in that regard? Which authority was responsible for the investigation? Was it the judge, the prosecutor or the police? What was the maximum period of pre-trial detention? In fact, prolonged pre-trial detention undermined the principle of the presumption of innocence. In that connection, he recalled that articles 12 and 13 of the Convention required the State party to proceed to a prompt investigation when a complaint of torture had been made. He would like to know whether there could be secrecy at some stages in the proceedings, as seemed to be implied in the last sentence of paragraph 20 of the report.

15. It would also be very useful to know the provisions of the new 1989 Code of Penal Procedure, unless they were already contained in the Italian Constitution, but that was not explained in the report. What were the powers of the Interministerial Committee for Human Rights mentioned in paragraph 2 of the report and what activities had it carried out to date? "Ombudsmen" had apparently been appointed in Italy. What was their role?

16. Article 1 of the Convention provided a definition of torture and article 4 required all States parties to make torture an offence under their criminal law. The Committee had often noted that States parties argued that they did not have to include a definition of torture in their criminal law either because the Convention was directly applicable or because the offences which constituted torture were already covered by their national legislation. Those two arguments had been put forward in paragraphs 33 and 34 and in paragraph 36 of document CAT/C/9/Add.9 and they had been used by the representative of Italy in his excellent oral introduction to the report.

17. Those two arguments could not both be put forward at the same time. The fact that the Convention was directly applicable to internal law was not enough, for the Convention did not specifically refer to offences and thus did not entail any penalties, since there could be no penalty without a law ("nulla poena sine lege"). That was also true of other international instruments.

18. It was difficult for the Committee to determine the validity of the second argument, namely, that acts of torture were already covered in the Italian system of criminal law, without the texts of the articles of the Penal Code referred to in paragraph 36 of the report. In any event, the provisions in question did not seem to be fully in keeping with the aim of the Convention. According to the definition contained in article 1 of the

Convention, torture had three constituent elements: "Severe pain or suffering" which was "intentionally inflicted" "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity". However, paragraph 38 of the report stated that the provisions of the Italian Penal Code afforded broader protection because they did not require specific wilful misconduct, which was the subjective element characteristic of intent to cause harm. The Convention would be more effectively applied if it included less general provisions in which the specific element of intent would be indicated. Two questions arose in that regard: whether all the offences listed were automatically prosecuted and what penalties they entailed. The bill referred to in paragraph 39 was not enough to be able to say that article 1 of the Convention had been incorporated in national legislation.

19. With regard to the implementation of article 3, article 698 of the new Code of Penal procedure was an excellent example of the incorporation of a provision of international law in national legislation. Nevertheless, since assessment by the political and judicial authorities was required in cases of extradition, he would like to know what happened in the event of a conflict between those authorities: would the person be extradited or not? As to the relationship between criminal action and disciplinary measures, he wished to have details on how the administrative authorities were informed of the criminal judgement and what would happen if there was no decision in the disciplinary proceedings.

20. Referring to article 5, he said that he could not understand why, according to paragraph 51 of the report, article 7 of the Penal Code relating to offences committed by public officials in State service was said to give effect to article 5, paragraph 1 (a), of the Convention, which dealt with territorial jurisdiction. The parallel that had been drawn between article 9 of the Penal Code and article 5, paragraph 1 (b), of the Convention and between article 10 of the Penal Code and article 5, paragraph 1 (c), of the Convention was also not entirely satisfactory. Whereas, according to the Convention, the State party was required to establish its jurisdiction when the alleged offender or the victim was a national of that State, articles 9 and 10 of the Italian Penal Code contained limitations as to the nature of the penalty, the territory in question and an application by the Minister of Justice. The danger was that the Convention might be applicable only in the case of certain types of offences. If the gaps were filled by Act No. 498, which ratified the Convention and was referred to in paragraph 55 of the report, that should be clearly stated.

21. The report also did not give enough information on the implementation of articles 8 and 9 of the Convention and the Committee would need more information on measures to give effect to article 10 relating to the training of law enforcement and medical personnel, which was essential for the prevention of torture. For example, were there training programmes for prison staff and medical staff? Had the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Principles of Medical Ethics been made available? In connection with the implementation of article 11, it would also be useful to have further information on the prison system. For example, were accused and convicted persons held separately? Was there a body responsible for monitoring detention conditions? Were there any legal remedies which

could be exercised by detainees? Was a judicial service responsible for the enforcement of sentences? Were dangerous detainees subject to a special regime and could they, inter alia, be held in solitary confinement? What measures were taken to prevent violence in prisons? Was compulsory labour allowed?

22. With regard to articles 12 and 13 of the Convention relating to the right to lodge complaints and the obligation to conduct an impartial investigation, could the Italian delegation tell the Committee whether acts of torture had already been the subject of complaints and, if so, whether a prompt investigation had been carried out and what the results had been? Had allegations of acts of torture or cruel, inhuman or degrading treatment been heard by the European Court of Human Rights? Paragraph 78 of the report, which stipulated that, in the case of an offence not giving rise automatically to prosecution, the victim was entitled to lodge a complaint, was not very clear. Could the public prosecutor refuse to prosecute in such a case? Was article 14 relating to the right to compensation to be taken to mean, in the light of paragraph 83 of the report, that the obligation to provide compensation was applicable only to the person found guilty of the offence? Was that true even where the guilty person was an agent of the State? Was the State responsible for the actions of its agents? Article 14 established the obligation of States parties to guarantee the right to redress and to fair and adequate compensation, including the means necessary for as full a rehabilitation as possible of the victims. Had any rehabilitation programmes for victims been organized in Italy? Could the victim be compensated before the end of the criminal proceedings? Was the State responsible in any way? Information on legal decisions relating to compensation would be most interesting.

23. Insufficient information had been given on the implementation of article 15. Paragraph 84 said nothing about the principle that no statement made as a result of torture could be invoked as evidence. What was the practice of the courts in that regard?

24. He hoped that his questions and those to be put by the other members of the Committee would provide the basis for a fruitful dialogue with the Italian delegation and help make action to combat torture more effective.

25. The CHAIRMAN, speaking in his capacity as Alternate Country Rapporteur, said that Italian legislation did not fully cover the subject of mental torture. He would also like to have some clarifications on paragraph 39 of the report, which stated that a bill currently under consideration in Parliament provided that, in order for the act to be punishable, it must have been committed by a public official. What was the act in question? With regard to paragraph 43, he would like to know what happened if a fact identifiable as an offence automatically giving rise to prosecution came to light in the course of disciplinary proceedings. Referring to the implementation of article 5, he said he shared Mr. Gil Lavedra's view that the statement made at the beginning of paragraph 53 of the report, namely, that the provision of paragraph 1 (c) of article 5 of the Convention had its exact counterpart in the principle to be found in article 10 of the Penal Code, was only partially true. On the other hand, the implementation of article 7 of the Convention was being guaranteed by the Act of Ratification of the Convention, which included supplementary provisions relating to jurisdiction.

26. Were articles 8 and 9 of the Convention directly applicable? If so, that should be clearly stated. It would also be interesting to know specifically how article 9 was being implemented. He had read with interest the handbook on the professional ethics of the police, but he would still like to have further information on the implementation of article 10. In connection with article 11, he wished to have specific information on the way in which the prison system was monitored. For example, did judges make unannounced prison visits? What action was taken on their findings? Were detailed instructions issued on police interrogations and were such interrogations supervised? Was there any supervision of persons under military or administrative detention?

27. He had been very surprised to find that Italian legislation did not provide for a general system of compensation for the victims of wrongful acts by the State, as was the case in the majority of modern countries. That made matters very difficult for the victims of torture, who usually could not identify their torturers. Furthermore, even if the torturers were known, they were often not in a position to make redress. To satisfy the requirements of article 14, Italy would therefore have to establish a system of State compensation for victims of torture. The implementation of article 15 did not appear to be fully guaranteed by Italian law. Article 188 of the new Code of Penal Procedure seemed to refer only to the use of "truth serum"; it said nothing about the value of statements made as a result of torture.

28. Having asked questions about the report, he wished to refer to specific cases which had been reported by Amnesty International or by the press and in which the Convention had been violated. He would deal only with acts which had taken place after 11 February 1989, the date on which the Convention against Torture had entered into force for Italy. A letter published in the newspaper La Repubblica on 21 December 1991 reported acts which had allegedly taken place in Sollicciano prison in Florence. An investigation was alleged to have been initiated by the judge responsible for monitoring the prison. It would be of interest to know whether the investigation was still under way, what the outcome had been and whether a judgement had been handed down, if only by a decision in first instance. In February 1992 in Regina Coeli prison in Rome, a prison guard was alleged to have ill-treated Alessandro Ruver, who had subsequently died. Had the circumstances of the case been clearly established? On 3 March 1992, David Addawe was alleged to have been seriously injured while in police custody in Rome; a medical report issued after Addawe's release could be made available to the Italian delegation. On 15 December 1992 at Fuorni prison in Salerno, between 100 and 150 masked prison guards had allegedly ill-treated detainees during a search. The Attorney-General was said to have requested the reopening of the file for an additional investigation; what was the present position? In January 1991, law enforcement officials were also alleged to have ill-treated some 30 immigrants in a building they were squatting. Was that information correct?

29. He noted that all the cases to which he had referred appeared to relate less to acts of torture than to cruel, inhuman or degrading treatment, which was also covered by the Convention.

30. Mr. SORENSEN said that he endorsed all the questions that had already been asked, but wished to make a few comments. He considered that the report did not deal with the problems arising under article 2, paragraph 3, of the

Convention. He asked whether there was any text in Italian legislation relating to the question of a subordinate official invoking an order from a superior officer as a justification of torture. With regard to article 10, he said that it would not be sufficient to invoke the principle of human rights: it was important to refer specifically to torture and the Convention when training certain categories of personnel.

31. With regard to article 11, which was dealt with in paragraphs 58 to 71 of the report, he asked whether any code of conduct existed in Italy governing interrogations by the police. If so, he would welcome the opportunity of consulting it. On the same question, he asked whether provision was made for recording interrogations. He would welcome more detailed information on solitary confinement and the rules governing it. He also asked whether there was an ombudsman in Italy.

32. On article 14, he pointed out that survivors of acts of torture were usually in no fit state to lodge a complaint with a court. It was thus up to the State to assume responsibility for rehabilitation and compensation, thereby relieving the victim of the need to bring an action in a personal capacity. He also asked for more detailed information on programmes for moral, medical or financial rehabilitation.

33. He was pleased that Italy had received the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and welcomed its intention to publish that Committee's report, since publication was not mandatory.

34. Mr. BURNS said that he fully endorsed Mr. Gil Lavedra's analysis of Italy's failure to comply with the provisions of the Convention regarding the definition of torture. He stressed the importance of psychological torture in any definition of torture, emphasizing that, in the absence of a precise definition of torture set forth in a legislative text, it was difficult to provide for a penalty corresponding exactly to the offence.

35. He asked whether any mechanism existed in Italy for declaring a state of emergency. In what circumstances could it be declared and what were the implications for the rights set forth in the Convention in such cases? He asked for fuller details on pre-trial detention and wished to know whether the institution of habeas corpus existed in Italy.

36. A report by Amnesty International referred to defamation of a State official. According to that organization, that principle was often applied to persons challenging the behaviour of a State official. Did that not amount to a veiled threat designed to discourage complaints?

37. He asked for fuller information on the structure of the judiciary and, in particular, on how judges were appointed and dismissed. Like Mr. Gil Lavedra, he had reservations about the way in which the report dealt with Italy's obligations under article 14 of the Convention and found it extremely strange that Italian legislation did not provide any general system for compensating the victims of offences attributable to an agent of the State. Lastly, he said that he would welcome a detailed description of the structure of the

police force. Did it enjoy any special powers? Were there military courts in addition to the civil courts and, more specifically, was there a court with jurisdiction in matters of State security?

38. Mr. KHITRIN referred to a document annexed to the Italian report and asked for fuller details of the composition and functions of the Department of Public Security. He would also like to see the handbook referred to in the annex.

39. He asked what was the precise criminal liability of the agent in the event of psychological torture being inflicted during interrogation. Paragraph 9 referred to an "implementation order" concerning adaptation of internal law to obligations arising under international conventions. He wished to know the terms of that order and whether it had the force of law. With regard to paragraphs 16 and 17 of the report, which concerned the competence of the European Commission and Court of Human Rights, he asked to know the number of Italian cases submitted to those bodies in recent years. Like Mr. Gil Lavedra, he was surprised that the investigations ordered following the alleged acts of violence reported by Amnesty International should be so protracted, one of them having already lasted three years. He also asked for statistics on the number of foreigners expelled or extradited during the past five years.

40. Referring to article 7, he asked whether the police were entitled to detain a suspect in solitary confinement. In that connection, he referred to a situation that had arisen in Kazakhstan in the former Soviet Union, where fictional Italian films had been shown, depicting the struggle between the police and the Mafia. In those films, police kept suspects in solitary confinement in premises which had not been designed for that purpose and in which torture was practised. Police in the former Soviet Union might sometimes wonder, however, whether it would not be a good idea to adopt the techniques used by the Italian police in those films. He also asked what action was taken against members of the police force who abused their power.

41. Mr. EL IBRASHI said that he agreed with the questions already put and asked for some general clarifications. First, with regard to paragraphs 14 to 17 of the report, he asked about the mechanism of the European Commission and Court of Human Rights and said that he would like to have a few examples involving Italy.

42. Like his colleagues, he thought it important to include a definition of torture in national legislation and stressed that it should encompass the concept of mental torture. He asked for fuller details of the Italian judicial system and, in particular, of the role played by the courts of appeal. He also asked for fuller details concerning police custody, including the precise powers of the police in such cases, the time limit for police custody and the possibilities for prolonging it. Was the victim entitled to appeal to a judge? He also asked for fuller details of methods for inspecting prisons. Were inspections carried out by the police, by the administrative authorities or by judges?

43. Paragraph 20 of the report stated that the investigations into acts of violence allegedly inflicted upon detainees were protected by the law of secrecy. He found that statement surprising and asked for clarification of the precise nature of the secrecy referred to. Lastly, with regard to article 14, the report did not state whether the victims of acts of torture attributable to an agent of the State were able to bring civil proceedings directly in order to obtain compensation or whether they must first wait for the results of the criminal proceedings.

44. Mr. MIKHAILOV said that he would like to know exactly what was meant by "the generally recognized principles of international law" referred to in paragraph 8. He also wished to know who was empowered to issue the implementation order referred to in paragraph 9. With regard to paragraph 12, he noticed that the ordinary courts had jurisdiction over matters dealt with in the Convention. Did that mean that the military courts never intervened? Furthermore, in paragraph 13, in the case of an agent of the State committing an offence of a disciplinary and criminal nature, did that agent have the right to keep his post pending the conclusion of the inquiry? Should not provision be made for a suspension of duties in such cases?

45. With regard to paragraph 21 (c), he asked what penalty was provided for in article 608 of the Penal Code. In the case of political offences, what percentage came under that category? He asked for a more detailed definition of a political offence and whether espionage, for example, was regarded as a political offence.

46. In paragraph 30 of the report, it was stated that the Italian Government reserved the right not to issue an extradition order if it had good reason to believe that the person whose extradition was sought would be subjected to treatment which constituted a violation of the fundamental rights of the individual. It would be interesting to know what such "good reason" was in Italian international criminal law.

47. In connection with article 4 of the Convention, the report indicated that, following a debate on the subject in Italy, it had not been considered necessary to include rules relating to torture in the system of criminal law. He believed, however, that that would be desirable and he asked what Italy's reasons were for acting differently from other countries and whether the Government intended to remedy that omission by including specific provisions on torture in the legislation.

48. Paragraph 46 of the report referred to the disciplinary measures applicable to police personnel in the Statute of Civilian State Employees. In such cases, was the person concerned suspended from duty while the investigation into his offence was carried out? Moreover, in connection with article 14 of the Convention, paragraph 82 of the report stated that Italian law did not provide any general system of State compensation of victims. It would be interesting to know whether Italy planned or intended to adopt such legislation, as many countries had already done.

49. Mr. BEN AMMAR noted with satisfaction that Italy was never mentioned in reports by non-governmental organizations on the systematic practice of torture, although it had occasionally been referred to in connection with

ill-treatment. The press in Italy played a positive role in that regard because it never failed to report the cases brought to its attention, and that certainly had a deterrent effect. Other members of the Committee had already pointed out that inquiries into alleged violence might sometimes last as long as three years. The periods mentioned in paragraph 47 of the report for the initiation of disciplinary proceedings following the conclusion of criminal proceedings also seemed very long.

50. Amnesty International had reported that immigrants were frequently ill-treated by the police in Italy. Since such persons were reported to be unwilling to complain for fear of reprisals, it was hard to find out, according to Amnesty International, how many actual cases of ill-treatment there had been. Would it be possible for the Committee to be told how many complaints had actually been lodged and how many proceedings had been instituted as a result of such complaints?

51. It would be interesting to have information about the activities of the observation and treatment teams operating in prisons and mentioned in paragraph 64 of the report and to know whether they had been able to reach any conclusions about the general organization of the prison system. He had also understood that Italy had an advisory body for human rights which was composed of government representatives, members of Parliament and non-governmental organizations; it dealt with the right to physical integrity, but it apparently did not handle human rights problems in Italy, only abroad. What was the exact position?

52. Mr. DIPANDA MOUELLE, noting that most of his questions had already been put by other members of the Committee, said that he would simply ask for clarification on two points. First, in connection with article 7 of the Convention, he wished to know whether, in Italy, the system of universal jurisdiction was guaranteed in respect of cases of torture. Moreover, since the death penalty had been abolished in Italy, would a foreigner arrested in Italy and liable to face the death penalty in his own country be extraditable under Italian law?

53. Secondly, in connection with article 9 of the Convention, it would be useful to know how judicial assistance operated in practice; in particular, could there be such assistance with a State that had not signed an agreement with Italy?

54. The CHAIRMAN said that the Italian delegation would reply to the Committee's questions at the next meeting.

55. Mr. Mezzalama, Mr. Verga, Mr. Citarella, Mr. Pecenko, Mr. Buccalo, Mr. Daga, Mrs. Palumbo and Mrs. Passannanti (Italy) withdrew.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION:

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE AGAINST TORTURE UNDER ARTICLE 24 OF THE CONVENTION

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (agenda item 10) (CAT/C/VIII/Misc.3)

56. Mr. BRUNI (Secretary of the Committee) said that, under agenda item 10, the Committee had to take note of the comments of the General Assembly on the Committee's fourth annual report and of the measures adopted by the Assembly on the implementation of international human rights instruments. In that connection, the Committee had before it the informal paper contained in document CAT/C/VIII/Misc.3. Section (a) of that document reported briefly on the views expressed by various delegations in the Third Committee of the General Assembly on the annual report submitted by the Committee under article 24 of the Convention. Two matters in particular had engaged their attention, namely, the Committee's working methods and the question of its financial resources. Section (b) of the document gave a brief report on the comments made by delegations at the General Assembly on the effective implementation of human rights instruments. Section (c) listed the resolutions and decisions of the General Assembly of concern to the Committee, namely, decision 46/430, in which the Assembly took note of the report of the Committee against Torture, and resolution 46/111, which dealt with the question of funding for the human rights treaty monitoring bodies. It would be recalled that the chairpersons of those bodies had recommended that such funding should be made available from the regular budget of the United Nations. Australia had, moreover, submitted an amendment to the financial arrangements provided for by the Convention. If that amendment was approved by the States parties and the General Assembly, the Committee's funding would in future be included in the regular budget. In that context, he drew attention to Commission on Human Rights resolution 1992/15.

57. The CHAIRMAN noted that the member States of the European Community had expressed their satisfaction with the Committee's working methods and that China had indicated its intention of preparing the supplementary report requested by the Committee at its fourth session; that was welcome news. The Committee could only hope that the financial arrangements under consideration would come into effect.

58. Part (b) of the document under consideration reviewed a number of comments and recommendations, most of which had been formulated by the chairpersons of the human rights treaty monitoring bodies: the publication of the reporting manual, the adoption of consolidated guidelines, the establishment of a resource room in the Centre for Human Rights, offers of assistance by the Advisory Services Branch of the Centre for Human Rights and activities to increase public awareness. As far as changes in the submission of reports were concerned, he believed that those documents might be a bit more succinct.

59. Mr. EL IBRASHI, referring to the recommendations made on pages 2 and 3 of document CAT/C/VIII/Misc.3 concerning the working methods of the Committees and cooperation with non-governmental organizations, asked whether those recommendations had been followed up, for instance, with regard to relations with Amnesty International.

60. The CHAIRMAN said that the Committee had direct and active relations with non-governmental organizations consisting in particular of exchanges of documents and information. As far as the other recommended initiatives were concerned, the principle of establishing a general documentation room in the Centre for Human Rights had been endorsed, but there was now a problem of finding space for it. Computerization and the establishment of a database had also been considered desirable and it would be up to the secretariat to make the necessary arrangements.

61. Mr. EL IBRASHI asked who would be responsible for organizing the regional workshops referred to on page 3 of the document under consideration.

62. The CHAIRMAN said that those workshops would take place in the context of preparations for the World Conference on Human Rights. The Committee would come back to that matter when it considered the relevant agenda item.

The meeting rose at 12.50 p.m.